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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fifth session

SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 6 August 1993, at 10 a.m.

Chairman: Mr. AL KHAWASNEH

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The meeting was called to order at 10.15 a.m.

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED (agenda item 4) (continued) (A/CONF.157/23)

1. Ms. SHIN (Commission of the Churches on International Affairs of the World Council of Churches) said that the World Conference on Human Rights had been an important stage in the evolution of human rights; the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted at the World Conference would undoubtedly play a key role in guiding future human rights activities.

2. One of the notable achievements of the World Conference had been the recognition of women's rights as human rights. Since women from all over the world had been trying to make the international human rights community understand that women's rights were human rights, they were particularly pleased that the United Nations had finally and officially recognized that "the human rights of women and of the girl-child were an inalienable, integral and indivisible part of universal human rights" (A/CONF.157/23) and that those rights were being constantly violated.

3. In its Programme of Action, the World Conference had placed particular emphasis on the importance of working towards the elimination of violence against women in both public and private life. Attention had also been paid to the violations of women's human rights in situations of armed conflict, which the Conference had stated were violations of the fundamental principles of international human rights and humanitarian law.

4. Reports of widespread and flagrant violations of international law within the territory of the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina, had shocked the world. Massive, organized and systematic rape had been committed against women in those areas. Her organization had been somewhat relieved by the decision of the Security Council to establish an international tribunal to prosecute persons responsible for human rights violations, including rape, as a war crime.

5. However, the same crimes had been committed against women before and during the Second World War; although more serious in nature, they remained unpunished by any international tribunal or domestic court. They were the war crimes of military sexual slavery, committed by Japan against women in Asia, mostly Koreans. Compared with the some 20,000 reported cases of organized rape in the former Yugoslavia, Japanese military sexual slavery concerned some 200,000 women, 10 times as many. Those women had not only been victims of rape but also of many other of the crimes against humanity, including slavery, detention, torture and other inhuman treatment, murder, genocide, trafficking in women and serious racial discrimination.

6. Her organization believed that the precedent of unpunished war crimes and unpunished crimes against women's humanity was contributing to the continued violations of the human rights of women during wartime. If unpunished, wartime crimes against women, such as the rape of women and girls would continue to be considered as normal and familiar practices in any war.

7. In view of the Vienna Declaration and Programme of Action, which addressed the need for a particularly effective response to all wartime violations of women's human rights, including in particular, murder, systematic rape, sexual slavery and forced pregnancy, the World Council of Churches supported the demands of the Korean Council for the Women Drafted for Sexual Slavery by Japan and other organizations representing the victims of Japanese military sexual slavery, to punish the criminals responsible for the crimes. An international criminal court was necessary to bring not only the criminals of the former Yugoslavia to justice, but also the criminals of Japanese military sexual slavery.

8. Mr. KHALIFA said that like the first International Conference on Human Rights held in 1968, the World Conference had aimed to examine progress thus far in the field of human rights and to look for ways and means of improving the implementation of existing human rights norms and standards. It had even been hoped that the Conference would be a major breakthrough, a massive show of human solidarity, proof of a common and sincere determination to stop the erosion of all that had been achieved over the years. It had been nothing of the sort.

9. From the 1960s onwards, despite a certain amount of hypocrisy, the human rights cause had gradually made progress with new declarations, conventions, machinery and commitments. Even when caught red-handed, wrongdoers had at least attempted to put up a good defence. In the 1990s, however, the masks had fallen and muscle-flexing had come into fashion. The sacrosanct principle of the sovereignty of States had been ridiculed. Arbitrary unilateral interventions were justified, even glorified. More than 30 months after the end of the Gulf War, Iraq had been hit by 23 Cruise missiles, supposedly in self-defence. The United States President had described it as a message. Israel had not waited long to send a similar message to Lebanon.

10. It would have been unrealistic to expect miracles of the World Conference, but at least one step forward could have been hoped for. Unfortunately, the compromise text that had been adopted was not sufficient to disguise the failure of the World Conference. Major issues like the cultural relativity of concepts, universality, the right to development and the linkage of assistance to an estimated level of respect for human rights, and even the old dichotomy between civil and political rights and social and economic rights had all been left untouched. The serious question of humanitarian intervention and its implications for sovereignty and self-determination was merely glossed over.

11. It had not been the fault of the United Nations Secretariat, which had done its best. The outcome had depended on the international mood at the time of the World Conference, which had been one of total disrespect for human rights. A World Conference supposedly based on justice, compassion and tolerance could hardly have succeeded against a background of real-life nightmares in Bosnia, Somalia and Iraq, and butchery and fratricide among ethnic and religious groups in Asia, Africa and Europe. An international order based on power and contempt for international law could not possibly have given rise to any progress in human rights. The World Conference had been characterized by confrontation.

12. The International Conference on Human Rights in 1968, the first of its kind, had ushered in an era in which human rights had made advances. The second one, the World Conference on Human Rights in 1993 had ushered out that era. Sarajevo, where human conscience had been buried, should have been the venue of the Conference or at least of one of its preparatory meetings.

13. The World Conference, which had no legislative authority, had been unable to break new ground; all it could do was to listen to rhetoric whilst the world suffered around it. The strong could not be blamed for being strong, but the weak could be blamed for giving in to them. Most countries were facing exasperating challenges ranging from cut-throat technological competition to the hasty revision of political structures and including the revival of nationalist and ethnic awareness. Eastern Europe was dazzled by new freedoms after the sudden collapse of its communist-imposed value system and even the usual minimum basic needs could not be guaranteed. It seemed that the attempt to build capitalism was failing as miserably as had the attempt to build communism. In the name of human rights, the former Soviet Union had turned into a vast territory teeming with speculators, drug dealers and prostitutes, Coca-Cola advertisements and MacDonald hamburgers. However, the story did not end there. The winners were gloating and would not heed any moral appeals. It was not just a moral dilemma that confronted humanity for the future but the fact that stagnation in the poor countries would not leave the prosperous in peace. It remained to look forward to the next World Conference on Human Rights to be held in the year 2018, which would be considered at the Sub-Commission's seventieth session.

14. Mr. CHERNICHENKO endorsed Mr. Khalifa's comments on the bombing of Iraq. Turning to the Vienna Declaration and Programme of Action, he said that it would be a manifesto for further progress in human rights. It was an important document although, unfortunately, there had been not enough time to shorten it. He had hoped that it would have contained a clearer reinforcement of the basic principles of intergovernmental cooperation on human rights. A more conceptual document could have been expected. The way it reflected the most important principles of human rights deserved comment.

15. The first of those principles was that human rights were indivisible and that was fully reflected in the Vienna Declaration. Secondly, the principle of respect for human rights should never contradict the bases of international law. They formed a package that was the foundation of intergovernmental relations. That was also reflected in the Vienna Declaration. Thirdly, Human rights violations were increasingly seen as international problems, particularly flagrant and massive violations of human rights and that too was echoed in the Vienna Declaration. There had, however, been a serious change in intergovernmental human rights cooperation over the previous year. More and more cases of individual violations were being brought before international bodies, but that development was not dealt with in the Vienna Declaration. Although the World Conference could not have been expected to elaborate the criteria on which individual cases could be selected to be discussed at an international level, it could at least have mentioned the new trend. Fourthly, it went almost without saying that intergovernmental cooperation on human rights should be depoliticized and deideologized; nobody could dispute that. It was a proposition, however, that did not appear in the

Vienna Declaration and the Sub-Commission should make every effort to look at it. Lastly, the World Conference could have commented on the notion that gross and large-scale human rights violations ordered or sanctioned by Governments should be regarded as international crimes. That idea was developed in working paper E/CN.4/Sub.2/1993/10 which would be discussed later in the session. It should have been mentioned in the Declaration.

16. Mr. EIDE said that the preparations for the World Conference and the Conference itself had been held in a period of difficult international relations. There had been a significant number of new States present, some of which had little experience of the human rights system.

17. The international situation had changed considerably since 1968. On the one hand, the cold war had ended and on the other the euphoria of 1988 and 1989 had descended into what had been described as "post-modern tribalism" which, combined with economic insecurity, meant that the world was a far more complex place. Therefore, it had been no mean achievement to have actually held the World Conference and to have produced a document which was considerably better than might have been expected.

18. He had been invited to address the World Conference on the subject of ethnic conflicts. In that connection, he agreed with what Mr. Khalifa had said. The international community in general, and the European States in particular, had not been strong enough to handle the matter in a morally acceptable way. However, the world must not give way to frustration; it must try to find methods of dealing effectively with primitive ethnocentric responses to insecurity, to understand how politicians were using ethnocentricity to gain or retain power, and to support bridge-builders interested in preserving civilized society.

19. All kinds of groups were currently seeking to exercise the right to self-determination, but in ways that were different from those used during the decolonization process, when whole peoples had been involved, never a specific ethnic or religious group. Nigeria had been a case in point. The self-determination of ethnic groups was dangerous because it was necessarily based on ethnic cleansing. He therefore appreciated the reference made to "the whole people" in operative paragraph 2 of the Vienna Declaration. It was a question of demos rather than ethnos. In Bosnia and Herzegovina, if the Government had stated that it did not want Serbs or Croats as citizens, there would have been some justification for the demands made by them upon it. However, that had not been so, and what had happened subsequently was a clear violation of the principle of self-determination, the clarification of which might well constitute one of the achievements of the World Conference. Failure to observe that principle would lead to the extension of conflicts beyond Bosnia and Herzegovina.

20. Mr. HELLER pointed out that when the World Conference had been convened by the General Assembly at the end of 1990, the international situation had been radically different from that which had prevailed when the Conference had actually taken place. The fall of the Berlin wall, the end of authoritarian regimes in eastern Europe, the democratization process in Latin America and Africa and the abatement of various regional conflicts had given rise to optimism as to the construction of an international order in which human

rights would be one of the cornerstones. The current reality was quite different. Fratricidal ethnic conflicts, mainly in the former Yugoslavia and the former Soviet Union, as well as the persistence of the Middle East conflict and the emergence of new tragic situations in Africa, represented a brutal retreat as far as human rights were concerned. Likewise, extreme poverty and social inequalities and the emergence of radical new forms of racism, discrimination and xenophobia highlighted the deteriorated conditions in which large sections of the world's population were living.

21. The World Conference had had to find new approaches for dealing with situations so dissimilar in their causes and manifestations. Moreover, the politicization of the subject in international forums had been a permanent source of recrimination and accusations among States. A conceptual clash had occurred not only over human rights but also over the very conduct of international relations. There had been a danger that the World Conference would not be able to produce a final document or that it might not even take place and, when it had taken place, it had been held at the worst possible moment.

22. However, despite that situation the World Conference had achieved its objectives as a result of the goodwill shown in arriving at a constructive compromise. Of course, compromises were essentially unsatisfactory to the parties concerned, but they were a typical feature of international life. The ground had been cleared for future action and a considerable step forward had been taken in the definition of human rights, overcoming traditional difficulties arising from the different levels of economic, social, political and institutional development among States and their wide range of cultural and religious peculiarities.

23. The final document undoubtedly needed a careful analysis if each of its chapters was to be properly understood. The universality and indivisibility of human rights was affirmed and, most importantly, the link between civil and political rights on the one hand and economic, social and cultural rights on the other had been given global treatment on a footing of equality. The recognition of the right to development was also important, since it had been systematically denied by one group of countries in the North/South dialogue. Progress had also been made in identifying the obstacles to development and in acknowledging the effects of extreme poverty on the enjoyment of human rights.

24. It had also been possible to adapt human rights to more concrete realities. For example, the final document clearly brought out the need for specific measures to combat racism and xenophobia and to protect minorities, children, women, migrant workers and other vulnerable categories. Another noteworthy aspect was the attention given to the work of non-governmental organizations, whose fundamental role in human rights matters was expressly recognized. A further complicated aspect that would have to be dealt with in future was that of the United Nations human rights mechanisms, to which at present only 0.7 per cent of the budget was assigned. They needed to be strengthened, and new institutions created. The follow-up to be given to the World Conference by member States was also important. In many respects the final document was sufficiently broad to lend itself to very different interpretations. It would therefore be necessary to monitor the specific responses of States to the commitments to which they had subscribed.

25. Mr. SACHAR said that he was somewhat sceptical about the World Conference. No doubt the Vienna Declaration read well and contained some inspiring portions. However, as a member of the legal fraternity, he was aware that commendable theories and high ideals could be propounded with very little substance behind them. One of the serious drawbacks of the Vienna Declaration was that non-governmental organizations had been excluded from the Drafting Committee, with the result that their vast experience of reality was missing.

26. The Vienna Declaration expressed dismay at ethnic cleansing and called for the punishment of its perpetrators. It was odd that the worst perpetrators of ethnic cleansing, the Bosnian Serb leaders, were being wooed by international leaders and that negotiations were taking place with them to partition Bosnia and Herzegovina as the climax of the ethnic cleansing process. It was thus unlikely that an international tribunal would be of any use. If Bosnian Serbs could get away with mass slaughter, it would be said that international tribunals would be used only against those who had been vanquished.

27. The Vienna Declaration also reaffirmed the right of everyone to seek and enjoy asylum from persecution. It was therefore disturbing to note that the United States Supreme Court had decided that the immigration authorities had the right to stop refugees fleeing from persecution in international waters and to repatriate them to their persecutors, thus denying them the right to asylum. The Vienna Declaration likewise condemned xenophobia, yet the disease was spreading and various countries in Europe were currently adopting repressive legislation against immigrants, even though they had been settled there for generations.

28. It was gratifying to note that the Vienna Declaration accepted that human rights were universal, indivisible and interdependent and that democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing.

29. The Vienna Declaration also called upon the international community to make every effort to alleviate the external debt burden of the developing countries. That necessarily meant that all countries must assist in promoting not only political rights but also economic rights in countries other than their own. A serious obligation was therefore imposed on the richer countries of the North to formulate their economic and immigration policies in such a way that the three quarters of mankind who lived in the South in conditions of poverty and underdevelopment could secure a better life. The developed countries must assist the third world with concrete programmes and measures to bring about an immediate alleviation of the pangs of extreme poverty. If they were genuine in their advocacy of the indivisibility of human rights, including the right to adequate housing, food and a clean environment, they could not withhold aid on the basis of an alleged denial of human rights in any country, purporting to lay down what its economic and social policies should be. Unfortunately, that was the position when the developed world demanded a free market economy which it equated with a human right of an individual. That reflected perverted logic, bad economics and a not-too-disguised attempt to impose a particular economic and social ideology favourable to the business interests of the developed world. The

euphemism of "structural adjustments" enforced by international lending institutions dominated by the richer countries had already led to the pauperization of masses of people in the poor South. In the past 30 years the gap between the rich and the poor had doubled, with the richest 20 per cent of the world's population receiving 150 times the income of the poorest 20 per cent. Unequal access to world trade cost the developing countries US$ 400 billion annually, 10 times what they were receiving in aid. Ironically, 64 per cent of the aid allegedly given to the poor was tied aid, to be spent in rich donor countries. In fact, such aid supported the economies of the richer countries more than those of the poor.

30. Sometimes the lack of development in the third world was attributed to the large sums it spent on armaments. That was partly true, but estimates showed that, in 1990, the 80 per cent of the world's people living in poor countries accounted for 14 per cent of arms expenditure, while the 20 per cent in the rich countries accounted for 86 per cent.

31. It was regrettable that the right to adequate housing, which was now accepted as one of the most fundamental human rights, was not specifically mentioned in the Vienna Declaration.

32. The situation was very sad and disturbing. No State should indulge in the delusion that its human rights record was clean. A quick visit to the basement of the building where the World Conference had taken place had shown the enormity of the human rights violations committed in all the countries represented. If real progress was to be made in the protection of human rights, harsh realities simply could not be overlooked.

33. Mr. TIAN JIN said that he shared the sentiments expressed by Mr. Khalifa. The final document obviously reflected the present complicated situation and was the product of intensive negotiations and of a compromise that satisfied nobody. It did, however, contain some positive elements. The eminent and difficult roles played at the World Conference by Mrs. Warzazi and Mr. Saboia would be remembered in years to come. The documents prepared at the regional meetings held prior to the World Conference had constituted very useful inputs.

34. The final document was very comprehensive. Of particular importance was the stress laid on the need to eradicate racism and xenophobia, the new forms of which were very disturbing. Also, development had been affirmed as an inalienable human right, and the harmful effects of extreme poverty and external indebtedness on human rights had been recognized. The Sub-Commission had to deal with matters relating to the right to development, and it must coordinate its work on them with that done by the Commission on Human Rights.

35. In recognizing the universality of human rights, the specific circumstances of each country had to be taken into account. As the Chairman of the Sub-Commission had stated, a delicate balance had to be struck in that respect. The Vienna Declaration also reaffirmed the importance of ensuring universality and objectivity in the consideration of human rights issues. That meant that double standards should not be applied.

36. The World Conference had made a significant contribution to the protection of vulnerable groups such as women, children and migrant workers, spelling out concrete measures for that purpose. The plenary meetings devoted to the rights of indigenous peoples and women would have a long-term impact.

37. In arriving at the compromise reflected in the Vienna Declaration, the developing countries had shown more flexibility and had made more concessions than the developed countries. For example, many developing countries had been opposed to the idea of a High Commissioner for Human Rights. It was to be hoped that in future the developed countries would match that flexibility.

38. The implementation of the Vienna Declaration and Programme of Action would be a long process. At Vienna a certain Western country had reportedly made a big concession by agreeing to recognition of the right to development, but at the recent session of the Economic and Social Council that had turned out to be not the case. More mutual understanding was required. The Vienna Declaration and Programme of Action would serve as a link between the past and the future, and the present discussion would help the Sub-Commission to digest their contents and to consider, in more concrete terms, the role which it should play in the years to come.

39. Mrs. ATTAH said that she wished to acknowledge the important contributions which Mrs. Warzazi and Mr. Saboia had made to the World Conference. She agreed with Mr. Kalifa and Mr. Eide that the World Conference had taken place at a very difficult period in the history of human rights, while wars were raging in Bosnia, Somalia, Liberia, South Africa and Angola.

40. The decisions of the World Conference had represented a compromise. The developing countries had given more than they had received. They had however learnt their lesson and had not expected much from the Conference; they had not been disappointed.

41. She had the impression that international cooperation in the field of human rights was shrinking. There had been much talk of a High Commissioner for Human Rights; what countries needed however was help in setting up national institutions for the protection of human rights. In that connection she wished to thank Mr. Eide for his comments on the situation in Nigeria where there were at least 350 different tribes with different languages and customs while the number of regions had swollen to 30. Such situations of disintegration represented serious threats to human rights, not only in Nigeria but also in many other parts of the world.

42. She was happy that the Vienna Declaration and Plan of Action had acknowledged that the rights of women had been violated. Women themselves had come out strongly at the World Conference and clearly did not intend to have their rights ignored any longer.

43. She was disappointed that progress on the rights of indigenous peoples had not matched the hopes aroused by the fact that 1993 was the International Year for the World's Indigenous People. States must recognize that the time had come to take proper account of indigenous populations. Indigenous peoples were only asking what States were already giving to other citizens; that was their right. They should be treated accordingly.

44. Mr. SABOIA said that he had presided over the Drafting Committee which had had the task of preparing the final document. He did not feel any personal responsibility for that document which had been an exercise in consensus-building; he had helped the Committee to reach necessary compromises. The document reflected the will of the States which had been present.

45. He believed it was pertinent to view the World Conference against the background of the overall international situation. Physically, the World Conference had been close to a terrible conflict involving massive violations of human rights. Similar conflicts were raging elsewhere. The World Conference must not however be judged solely against that background.

46. The Universal Declaration of Human Rights, although a somewhat hypocritical document, had become the basis for the entire subsequent campaign for human rights. Its acceptance by States had later been turned against those States and it had become a platform for demands that States should meet the obligations set out therein.

47. The international situation had changed greatly since the time when the decision had been taken to convene the World Conference. The end of the cold war had encouraged optimism. Later however many conflicts and much international tension had developed. It was nevertheless too early to reach conclusions on the current situation compared with the past. During the period of the cold war many problems had remained dormant because of the influence exercised by the two great Powers. Those problems had since emerged in the form of the conflicts around the world.

48. Considerable, albeit unequal, progress in the field of human rights had been achieved between the International Conference on Human Rights in Tehran and the World Conference on Human Rights in Vienna. The World Conference had not attempted to create new institutions. The Vienna Declaration and Programme of Action had been a new pronouncement by a much larger and more complex international community than that which had existed in 1948. It was a considerable achievement that such a diverse group should have been able to reach such a compromise.

49. The document was not perfect; it was too long. It was composed of two parts, the first of which was conceptual and the second a programme of action. It contained a significant element which had not been present in previous documents regarding the enhancement of international cooperation on human rights in that it stated that the international community must not only provide and implement standards in the field of human rights but must also provide the resources which would help Governments to achieve the human rights situation to which they had committed themselves in their own legislation and international instruments.

50. There had been a substantial presence of non-governmental organizations accompanied by a high degree of communication between Governments and those organizations. Many Brazilian non-governmental organizations had been present. The World Conference had been required to take decisions regarding the participation of non-governmental organizations in the drafting and negotiating processes. There had been no precedent for such participation and

the authorities had been obliged to limit, but not prohibit, their participation because of the number of non-governmental organizations wishing to participate, and lack of time.

51. The intensely negotiated paragraph 3 of the Vienna Declaration was very pertinent in relation to current events. The agreement which had been reached on the needs of peoples under foreign occupation would represent a basis for further progress. The linkage between the development of democracy and human rights had also been emphasized. The central place accorded to the concept of democracy in relation to human rights introduced a new element into an international document.

52. The text on the right to development represented a compromise but was an important step forward. It indicated that the international community was prepared to go beyond the setting of standards and was prepared to look into the causes of the deprivation of human rights. The burden of foreign debt had been clearly recognized as such a cause and the need had been stressed for action to be taken at the national, regional and international levels.

53. The Vienna Declaration and Programme of Action contained a clear statement on new forms of racism and had categorized terrorism as a major source of human rights violations and a danger to democratic States; the paragraph on terrorism was therefore important.

54. The provisions regarding the rights of women and the need for an integrated approach to the issue had been recognized as a success. Other important parts of the final document had been less contentious, particularly the sections dealing with the need for the protection of vulnerable groups such as children and migrants.

55. Part II of the final document called for greater coordination of the human rights activities of the United Nations system and stressed the need for additional resources for the Centre for Human Rights and for the establishment of a comprehensive programme for the promotion and protection of human rights. As pointed out in paragraphs 69 and 70, such a programme should be able to provide, upon the request of the interested government, technical and financial assistance to national projects in reforming penal and correctional establishments, and in the education and training of lawyers, judges and security forces in human rights. That was a very clear appeal to the Secretary-General and the General Assembly to intervene so that the root causes of massive violations could be addressed in cooperation between the international community and States concerned.

56. Mr. UL-HAKIM agreed with Mr. Khalifa and Mr. Sachar in regretting that so much had not been mentioned in the Vienna Declaration and Programme of Action. Nevertheless, there had been some achievements and thanks were due to those colleagues who had participated in the discussions.

57. Mr. Chernichenko had referred, at the 6th meeting of the Sub-Commission, to newspaper reports concerning episodes in Latvia and Estonia which had seemed to honour aspects of the former Nazi regime. He knew the Baltic States well himself and, while he might not have liked the events mentioned, he

wished to say that, when those States had regained their independence, their joy had been such that regrettable excesses might have occurred. That in no way diminished the devotion of those States to human rights.

58. One aspect of the Vienna Declaration and Programme of Action namely, the proposed office of High Commissioner for Human Rights would have been better avoided. Such an office would merely represent a bureaucratic attempt to over-simplify an enormous and complicated problem. He had not expected much from the World Conference on Human Rights and had not been disappointed.

59. Mrs. WARZAZI said that when Morocco had taken the initiative in proposing a World Conference on Human Rights, the Berlin Wall was still intact. At that time, many third world countries had agreed with the Moroccan proposal. After the Berlin Wall had disappeared, there was no longer stability in international relations. Subsequent events had led the third world countries to feel that they were under pressure which they were not in a position to resist and that efforts were being made to impose a Western model on them. At the same time there was a feeling, which had been voiced by Morocco, that human rights were becoming politicized. All recognized the adverse consequences for human rights of politicization.

60. By 1992 major political problems had arisen in the preparations for the World Conference. There was not only the policy of double standards and the feeling in some quarters that a single model was being imposed in what was no longer a bipolar world system, but a system of big and small countries. The failure of the initiative for the establishment of a new economic order had meant that developing countries had to face an increasingly desperate economic situation. There was a constant struggle being waged on all sides in the United Nations to affirm the indivisibility of rights, to affirm the relationship between economic, social and cultural rights on the one hand and political and social rights on the other, and the relationship between democracy and development. Events in what was known as eastern Europe finally confirmed the validity of the question of the link between democracy and development, as democracy could not flourish amid dire poverty. Many countries hoped that the concept would be encouraged, and of course the right to development was a legitimate claim which had been rejected or at best accepted to some extent, as at the Earth Summit in the preambular paragraphs of the Rio Declaration on Environment and Development. Matters had been further complicated by the sudden re-emergence of the issue of the establishment of a High Commissioner for Human Rights, when discussions were held on the final document. Inevitably, legitimate suspicions had been aroused in view of the fact that the Centre for Human Rights which claimed to have inadequate resources to finance its activities could find the funds for a High Commissioner.

61. During the meetings of the Preparatory Committees, there had been a tangible feeling of mistrust and confrontation and at times delegations had even wondered whether indeed there was any desire to hold the World Conference on Human Rights. However, during the third week of the last Preparatory Committee when sides were pulling apart so far that it seemed that consensus would never be found, it became clear that if countries really had the

political will to make an effort, anything was possible. So, after two years of work, the final draft was eventually drawn up in five days and the World Conference on Human Rights was fortunately able to take place.

62. The World Conference had been successful on several fronts. Firstly, it took place which, in view of the fact that it could have failed at any time as it would have taken just one regional group to block it totally, was cause for celebration. There had been so many difficulties that the agenda had even had to be taken before the Third Committee by the Moroccan delegation. Secondly, there had been a fruitful dialogue between developed and developing countries and a real desire to reach a consensus and establish mutual understanding. There had been no losers at the World Conference, apart from the Centre for Human Rights, which had not got what it had wanted. All of the main actors gained something from the World Conference, not least the non-governmental organizations. The rules of procedure of the Economic and Social Council had been amended in favour of more active participation on the part of the NGOs. The rules of procedure of the World Conference had been duly amended along the same lines. Thirdly, the idea of divorcing politics from human rights had been accepted. In the agenda adopted by the Third Committee there was a clear acceptance that it was time to move away from selectivity, and subjectivity in human rights, which had subsequently been reflected in the Vienna Declaration. There had also been agreement that social, religious, cultural and regional diversity could be accepted without any detriment to human rights. Similarly, it had been recognized that there was no single model which could be applied universally, and that the characteristics of different countries were all equally valid. Fourthly, the right to development had been agreed and given more coverage than in the Rio Declaration on Environment and Development.

63. However, the major achievement of the World Conference on Human Rights was its recognition of the rights of women, who accounted for half of the population of the world and could make a significant contribution to resolving the world's problems.

64. Mr. MENDOZA (Observer for El Salvador) said that the Vienna Declaration and Programme of Action would contribute to promote and protect human rights in the final decade of the present century, the remaining years of which should focus on the practical application of the international human rights instruments. Public opinion should be educated to move beyond the Universal Declaration of Human Rights and to grasp the importance of the other international instruments. In the year 1993, which marked the forty-fifth anniversary of the Declaration, stress should be placed on the importance of the instruments that were a consequence of the Declaration.

65. The Vienna Declaration highlighted the human dimension of the human rights issue and helped to resolve some of the paradoxes which existed in the field of human rights, including that between the universal nature of human rights and the concerns of the individual. By stressing the universality of human rights, irrespective of the cultural context in which a person lived, a point of reference had been established.

66. The document also helped to resolve the apparent contradiction between development and human rights and concluded that conditions for the development of peoples, or indeed their absence, should not be used as an excuse for the

denial of civil and political rights. The conflict between the individual and the State was resolved by giving higher priority to human rights, at the level of the individual. The Vienna Declaration also warned against treating human rights selectively. The recommendation concerning the establishment of a High Commissioner for Human Rights could help in achieving a non-selective and universal treatment of human rights.

67. With regard to section (D) of the Programme of Action on human rights education, it was important to stress the value of education in helping to improve the understanding of human rights and to promote mutual tolerance, in particular in terms of establishing a process of reconciliation in a country which had lived through armed conflict. At the third Latin American Summit of Heads of State and Government in Brazil held on 15 and 16 July 1993 it had been stated that the successful peace process under way in El Salvador offered tangible proof to the world of that country's desire for peace. Everything possible would be done to implement UNESCO's Programme for a Culture of Peace in El Salvador. Support had also been given to the idea of establishing, in El Salvador, an international forum concerned with culture for peace at the beginning of 1994 in the expectation that an educational experience of that nature, apart from helping to re-build society in El Salvador would have a positive influence on the development of peace processes in other countries.

ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 13) (E/CN.4/Sub.2/1993/1/Rev.1)

68. Mr. GOLDBERG (International Federation of Human Rights) said that the IFHR and its affiliate, the Viet Nam Committee on Human Rights, wished to underline the particular responsibility of States for the implementation of the principles contained in the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, article 1 (2) of which prescribed that "No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice".

69. The Socialist Republic of Viet Nam guaranteed religious freedom under article 70 of the 1992 Constitution and in article 1 of Decree No. 69 of the Council of Ministers on "religious activity and national interest". It was, therefore, a matter of great concern that the actual exercise of that right was not guaranteed in practice, contrary to article 7 of the Declaration.

70. The IFHR and the Viet Nam Committee were deeply concerned about the continuing violations of religious freedom in the Socialist Republic of Viet Nam, particularly against the clergy and followers of the Unified Buddhist Church of Viet Nam (UBCV), which were not merely random events. They had already informed the Commission on Human Rights, at its forty-ninth session, of the existence of two documents, classified as "top secret" and "absolutely secret", which revealed a deliberate policy of discrimination behind the religious repression. It had been extremely disturbing to learn of the methods used in a recent wave of repression against the UBCV, which included the mobilization of armed troops and special police forces to arrest Buddhist monks and followers, who were peacefully exercising their legitimate rights.

71. In the provinces, security police and regular soldiers had surrounded pagodas and harassed and arrested Buddhist clergy and followers. Armed troops had used a tank to break up a crowd of 2,000 Buddhists. They had arrested Venerable Thich Hanh Duc, the Superior Monk and 25 other monks. At Vien Giac pagoda in Hoi An, 200 mobile troops had been called in to prevent monks organizing a memorial service for Pham Gia Binh, a buddhist who immolated himself in the United States of America in April 1993 as a protest against religious persecution in Viet Nam. On 24 May 1993, in Hue, security police and 200 frontier soldiers from the People's Army had used tear-gas, electric truncheons and water cannons against Buddhist demonstrators. Armed troops had been used to arrest Thich Tri Tuu, Thich Hai Thinh, Thich Hai Chanh, Thich Hai Dam, and Thich Hai Lac at Linh Mu pagoda. Several of the monks had been beaten during the arrest. Thich Hai Thinh had been arrested without a warrant. In Quang Tri, Venerable Thich Hai Tang, Superior monk at Long An Pagoda had been subjected to similar brutal treatment. The monks were being held incommunicado in violation of their constitutional rights. Since the events in Hue, telephone lines to many UBCV pagodas in central and south Viet Nam had been cut off and postal communications completely suspended.

72. Repressive measures and practices had often been used against other UBCV monks all over Viet Nam in order to obtain false "confessions" which were used by the State-controlled media to discredit the Church. One such case was that of the 70-year old Venerable Thich Lien, who was under house arrest at his pagoda in Dong Nai. In the IFHR's statement to the Commission on Human Rights at its forty-ninth session, an extract had been published from a letter from Venerable Thich Lien, in which he had explained that he had been subjected to intense psychological torture in December 1992 and had finally signed a false confession concocted by the security police. The false confession had been published in the People's Army daily newspaper on 12 June 1993 and in the Ho Chi Minh Security Police weekly newspaper on 30 June 1993."

73. In addition, since the demonstration in Hue, over 60 articles had been published in seven different national newspapers - not counting the hundreds of articles in local publications and items on local radio - slandering the UBCV and calling for harsh punishment for the monks in detention. The press campaign seriously undermined the right of the monks to a fair trial and violated the fundamental principle that detainees were presumed innocent until proven guilty.

74. Following a meeting organized by the IFHR under the Viet Nam Committee at the NGO forum at the World Conference on Human Rights in Vienna, the delegation of Viet Nam had issued a press statement accusing the IFHR and the Viet Nam Committee of making "slanderous allegations" and of "distorting the truth" about violations of freedom of religion in Viet Nam. The IFHR and the Viet Nam Committee had invited the delegation to discuss the issues but they had refused to do so.

75. The IFHR and the Viet Nam Committee wished to take the opportunity at the present session of the Sub-Commission to invite the Government of the Socialist Republic of Viet Nam to clarify its position concerning one of the cases that they had repeatedly characterized as "slanderous". The Very Venerable Thich Huyen Quang, head of the UBCV, had been arbitrarily detained under house arrest at his pagoda in Quang Ngai since 1982. In a statement to

the international press on 10 June, Mr. Vu Quang, Chairman of the Government Board of Religious Affairs, called Venerable Huyen Quang an extremist and a systematic liar, saying that he was not under house arrest, and that he was totally free to move about and meet people. However, Venerable Huyen Quang sent a letter to the Secretary-General of the United Nations, dated 15 April, in which he affirmed that he was still under house arrest and subject to continuous surveillance and police integration. He also reported that he had not been allowed to travel to Hue to attend the Memorial Service for the late patriarch Thich Don Hau held at Linh Mu in April 1993. Moreover, the HO Chi Minh Security Police weekly newspaper, on 23 June 1993, had reported that Venerable Huyen Quang was still serving a sentence of house arrest in accordance with the law. If, since then, the Vietnamese Covernment had released Venerable Thich Huyen Quang he hoped that its representative at the Sub-Commission would communicate the date of release and confirm that his civil rights had been restored.

76. The Socialist Republic of Viet Nam should demonstrate its commitment to international standards by taking concrete measures to eliminate religious intolerance and discrimination in Viet Nam.

77. Ms. LUONG THI NGA (Pax Romana), drew attention to human rights violations perpetrated by the Government of Viet Nam, including persecution of South Vietnamese war casualties and their families, regarded as enemies who owed a debt of blood to the Marxist-Leninist revolution, and of the 4 million members of the Hoa Hao Buddhist Church, seen as reactionaries opposed to the revolution.

78. Pax Romana had reported, at the forty-ninth session of the Commission on Human Rights, that the Hoa Hao Buddhists had been and continued to be the target of systematic and bloody persecution waged by the Government of Viet Nam. Since that time the Government had completely disregarded international public opinion and stepped up its campaign of persecution which included harassment and intimidation used to silence even the slightest murmur of dissent.

79. Alarming news had been received from Viet Nam about the systematic destabilization of the Hoa Hao Buddhist Church by local authorities and the fears of its congregation who were under constant police surveillance. Unfortunately, the sources of such information could not be revealed in public, for fear of reprisals. However, if confidentiality could be guaranteed, the sources and a list of witnesses could be passed on to United Nations experts.

80. In view of the increased systematic persecution, the Hoa Hao Buddhist Church appealed to the United Nations to help put an end to the barbaric actions of the Government of Viet Nam, so that the Church's followers could freely practise their faith and to help ensure that the Church's cultural, social and religious property was restored to it.

81. To that end, United Nations experts should be sent forthwith to Viet Nam to investigate the situation, as Pax Romana had requested at the Commission's forty-ninth session.

82. The Government of the Socialist Republic of Viet Nam was also persecuting sectors of society which received attention and compassion in the civilized world, but considered as undesirables in Viet Nam, namely war widows and orphans. In violation of the basic principles of humanitarian law, South Vietnamese war widows and orphans were being subjected to inhuman, cruel and degrading treatment. The Government had quite blatantly confiscated their houses and property. The houses and property thus confiscated were rented out by the local authorities who received a substantial income from them, at the same time as the widows and orphans were denied social, medical or financial benefits and assistance from the Government. Private humanitarian assistance sent by compatriots abroad continued to be confiscated. Parcels of medicines, over a certain size, were intercepted by the customs service, and their contents were pilfered or rendered useless by being opened, taken out of their protective wrappers, or exposed to heat or humidity before being forwarded to their intended destination.

83. The new economic zones, where most of the widows and orphans lived, were no more than gulags in disguise and had no sanitary, social, medical or educational services. Children were thus being deprived of their right to education and culture. Furthermore, as a high-level government official had confirmed to the international press, young girls, between the ages of 11 and 14, who were either orphans or from poor families, had been sold at a nominal price to procurers. The young girls then endured unspeakable suffering in the form of barbaric organized rape. The Government of Viet Nam was turning a blind eye to that odious traffic since it constituted a valuable source of foreign currency.

84. The Sub-Commission should heed the cries of distress and act upon them to end the barbaric treatment by the Government of Viet Nam of people who had every right to happiness 30 years after a fratricidal conflict of which they were the innocent victims.

ORGANIZATION OF WORK (continued)

85. Mr. ALFONSO MARTINEZ said that an article had appeared that day in the international press revealing the existence of a report prepared by the United Nations Justice Division in Somalia on the legal aspects of the activities of United Nations forces based in that country. The information contained in the report would be highly relevant to the Sub-Commission's discussions under agenda item 19. The Secretariat should therefore verify both the existence and contents of the report.

86. The CHAIRMAN said that the Secretariat would look into the matter.

The meeting rose at 1.05 p.m.